

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Fair Isaac Corporation; and myFICO
Consumer Services, Inc.,

Civil Action No: 06 CV 4112 ADM/JSM

Plaintiffs,

v.

Declaration of Randall Tietjen

Experian Information Solutions, Inc.; Trans
Union LLC; and VantageScore Solutions, LLC;
and Does I through X,

Defendants.

I, Randall Tietjen, declare as follows:

1. I am a lawyer at the law firm of Robins, Kaplan, Miller & Ciresi L.L.P, which represents the plaintiffs, Fair Isaac Corporation and myFICO Consumer Services, Inc. (“Fair Isaac”) and third-party Craig Watts. I have prepared this declaration for the purpose of providing a record to support Fair Isaac’s Motion for a Protective Order and to Quash an Invalid Subpoena and to Impose a Sanction on Experian or Its Counsel (or both) under Rule 45(c)(1).

2. On November 1, 2009, Experian’s counsel (Bryan Gant) sent me an email attaching a copy of a subpoena that he said had been served on Craig Watts on October 20, 2009. Mr. Gant also attached a copy of a cover letter for that subpoena dated October 19, 2009. *See* Ex. 1 & 2. On that cover letter, Mr. Gant noted that he had “cc” me with a copy of the letter and subpoena, but I never received a copy of those documents from Mr. Gant until his email on November 1.

3. Craig Watts was deposed by the defendants in this action on November 14, 2007, in Minneapolis in a videotaped deposition that lasted seven hours, involved forty-three exhibits, and included at least six attorneys for the defendants as participants. Mr. Watts never served as a corporate-representative witness for Fair Isaac under Rule 30(b)(6) of the Federal Rules of Civil Procedure.

4. Attached to this declaration are true and correct copies of the following documents:

- Exhibit 1: a cover letter from Bryan Gant dated October 19, 2009, and a subpoena signed by Mr. Gant;
- Exhibit 2: an email from Bryan Gant to me and others dated November 1, 2009;
- Exhibit 3: *Schipper v. BNSF Railway Co.*, 2009 WL 997149 (D. Kan. April 14, 2009);
- Exhibit 4: *Jamsports & Entertainment, LLC, v. Paradama Prod., Inc.*, 2005 WL 14917 (N.D. Ill. Jan. 3, 2005);
- Exhibit 5: an email from Mark Jacobson to me and others dated October 16, 2009;
- Exhibit 6: another email from Mark Jacobson to me and others dated October 16, 2009; and,
- Exhibit 7: an email exchange between me and Jack Pace dated October 6, 2009.

Under penalty of perjury, I believe that the foregoing is true and correct.

Date: November 3, 2009

/s/ Randall Tietjen
Randall Tietjen